IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

FAO.No. 268 of 2006()

AGAINST THE ORDER DATED 19/11/2005 IN EA.526/05 IN EP.118/01 IN OS.441/1996 of PRL.SUB COURT,IRINJALAKUDA

.....

: APPELLANT/APPLICANT/JUDGEMENT DEBTOR

T.S.NARAYANANKUTTY, S/O. THARAYIL
SANKARAN KUTTY, KAIPAMANGALAM VILLAGE,
KODUNGALLUR TALUK, THRISSUR DISTRICT.

BY ADV. SRI.K.A.NOUSHAD
SRI.P.K.SAJEEV

RESPONDENTS: RESPONDENT/DECREE HOLDER

IRINJALAKUDA KURIES AND FINANCE (P)LTD.,
MANAVALASSERY VILLAGE, IRINJALAKUDA,
THRISSUR DISTRICT.

BY ADV. SRI.K.S.BHARATHAN

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M. RAMACHANDRAN & A.K. BASHEER, JJ.

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F.A.O.NO.268 OF 2006

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DATED THIS THE 4TH DAY OF DECEMBER, 2006.

JUDGMENT

Basheer, J.

This appeal filed under Order 43, Rule 1(j) read with Section 151 of the Code of Civil Procedure, is directed against an order passed by the execution court by which the application filed by the appellant under Order XXI Rule 90 of the Code was dismissed.

In view of the dictum laid down by a Division bench of this court in **Anandavally Amma v. Federal Bank Ltd.** (2000 (2) KLT 242), this appeal is not maintainable. Therefore, the appeal is dismissed without prejudice to the right of the appellant to pursue the remedies, if any, available to him in accordance with law.

(M.Ramachandran, Judge.)

(A.K. Basheer, Judge.)

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